

1 REMARKS

2 Status of the Claims

3 Claims 19-20 and 23-45 are pending in the application, Claims 1-18 and 21-22 having been
4 canceled in response to a Restriction Requirement, and new Claims 23-45 having been added herein
5 that correspond to the elected invention.

6 Telephone Restriction & Election Without Traverse

7 On September 24, 2007, the Examiner contacted applicants' attorney to issue a Telephone
8 Restriction. The Examiner indicated that the claims as filed were directed to four different
9 inventions, as follows:

10 Group 1- Claims 1-7 and 13 (Method)

11 Group 2: Claims 8-12 and 14-18 (Method)

12 Group 3 : Claims 19 and 20 (Apparatus)

13 Group 4: Claims 21 and 22 (Apparatus)

14 After contacting the applicant, applicants' attorney elected Group III, without traverse.

15 Applicants respectfully request the Examiner to enter into the record the grounds for issuing
16 the Restriction Requirement.

17 Preliminary Amendment

18 The elected Group included only two claims. This present preliminary amendment adds
19 additional claims, each new claim being fully supported by the specification as filed, and
20 encompassed in the elected Group.

21 New Claims 23-38 ultimately depend from Claim 19.

22 New Claim 39 is a method claim drafted to include each structural element in Claim 19.
23 Thus, Claim 39 corresponds to a method for using the apparatus of Claim 19. Due to the
24 correspondence between the structural elements of Claim 19 and the steps of Claim 39, it does not
25 appear that the method could be practiced using a different apparatus, or that the apparatus could be
26 used to practice a different method. Thus, the method and apparatus claims should be examined
27 together.

28 New Claims 40-43 ultimately depend from Claim 39.

29 New Claim 44 is a system claim based on Claim 19, which recites a processor that
30 implements the measuring element recited in Claim 19. Thus, Claim 44 corresponds to the apparatus

1 of Claim 19 drafted as a system claim, including each element recited in Claim 19. Due to the
2 correspondence between the structural elements of Claims 19 and 44, it appears reasonable for the
3 system and apparatus claims to be examined together.

4 New Claim 45 depends from Claim 44.

6 Respectfully submitted,

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